UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,425	01/12/2001	Bart F. Rice	18721-5695	2323

758	7590	03/08/2006

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER
CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/759,425	RICE, BART F.
		Examiner	Art Unit	
		Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 December 2005*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *2-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *2-59* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. All of the no-patent literature cited by applicant has now been considered since it has been included in the current application file. It is further noted that all of the cited references considered are readable on at least some of the claims since all appear to show binary spread spectrum sequences.

2.   35 USC 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

3.   Claims 2,7,10,11,16,19, 29-59 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

The claims do not present a concrete, tangible or useful result.

In the present case, claims 2, 11 and 29 only recite an abstract idea. The recited steps of employing a temporal spreading code sequence does not produce a real world result since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how to employ a temporal spreading code sequence. In addition the claims are so broad as to present an issue of pre-emption of employing spreading codes sequences.

In the present case, the claim limitations are analogous to non-functional descriptive data (See MPEP 2106).

Claims 29-37 and 42-59 are outside the four statutory classes of invention since they are recite an electromagnetic signal. Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage , or the strength of a magnetic field, define energy or magnetism, per se and as such are nonstatutory phenomena(O'Reilly, 56 US(15 How.) at 112-114). Moreover, it does not appear that the claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in 35 USC 101. First, a claimed signal is not a process under 35 USC 101 because it is not a series of steps. The claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, this, does not fit within the definition of a machine. The claimed signal is not matter, but a form of energy, and therefore is not a composition of matter. The claimed signal, a form of energy, does not fall within either of the two accepted definition of a manufacture which require either a physical substance or physical substance which a signal does not have. The claimed electromagnetic signal falls outside the four statutory classes of invention.

4. The following is a quotation of 35 U.S.C. ₃ 103 which forms

the basis for all obviousness rejections set forth in this Office

action:

> A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that
> the subject matter as a whole would have been obvious at the
> time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which
> the invention was made.
>
> Subject matter developed by another person, which qualifies
> as prior art only under subsection (f) or (g) of section 102
> of this title, shall not preclude patentability under this
> section where the subject matter and the claimed invention
> were, at the time the invention was made, owned by the same
> person or subject to an obligation of assignment to the same
> person.

5.   Claims 2-38 are rejected under 35 U.S.C. ₃ 103 as being

unpatentable over Frazier. Jr. or Kaufman et al in view of Short

et al(all cited by applicant).

Regarding claim 2, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) disclose an assembly of spread spectrum signals created

from a plurality of orthogonal pseudorandom sequences by storage

in a plurality of shift registers and placed on a sinusoidal

carrier substantially as claimed. The differences between the

above and the claimed invention is the use of binary signals from

shift registers which represent a portion of the information and

sequences that change a various intervals.   It is noted that the

symbols of the prior art described above show digital sequences

representing symbols would be readable on the claim limitations.

It is further noted that all sequences change a various

intervals since they require a finite time to output and describe

a static or variable output. Short et al (See Figs. 2B-3) show a

multibit sequences produces by a plurality of shift registers in

a spread spectrum signal. It would have been obvious to the

person having ordinary skill in this art to provide a similar

arrangement for Frazier. Jr. or Kaufman et al because the digital

signals and multibit sequences signals are conventional

functional equivalents. Regarding the receiver limitations of

claim 3, either Frazier. Jr. (See Figs. 6 and 7, Col. 6, lines

40-60, Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et

al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly

of spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with reception and transmission through a network which

is a functional equivalent of the claim limitations. Regarding

the network limitations of claim 4, either Frazier. Jr. (See

Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and

claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines

20-6 and claim 1) show an assembly of spread spectrum signals

created from a plurality of orthogonal pseudorandom sequences by

storage in a plurality of shift registers with reception and

transmission through a network which is a functional equivalent

of the claim limitations. Regarding the transmitter limitations

of claim 5, either Frazier. Jr. (See Figs. 6 and 7, Col. 6, lines

40-60, Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et

al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly

of spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with reception and transmission through a network which

is a functional equivalent of the claim limitations. Regarding

the network limitations of claim 6, either Frazier. Jr. (See

Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and

claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines

20-6 and claim 1) show an assembly of spread spectrum signals

created from a plurality of orthogonal pseudorandom sequences by

storage in a plurality of shift registers with reception and

transmission through a network which is a functional equivalent

of the claim limitations. Regarding plural sequence limitations

of claim 7, either Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines

40-60, Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et

al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly

of spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers which is a functional equivalent of the claim

limitations. Regarding the phase limitations of claim 8, either

Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines 40-60, Col. 15,

lines 45-60 and claims 12 and 15) or Kaufman et al(See Fig. 2, 8,

Col. 8 lines 20-6 and claim 1) show an assembly of spread

spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with plural phase symbol (See Frazier. Jr., Col. 2,

lines15-20, or Kaufman et al, Col. 8, lines25-40) spreading that

is a functional equivalent of the claim limitations. Regarding

the phase limitations of claim 9, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) show an assembly of spread spectrum signals created from

a plurality of orthogonal pseudorandom sequences by storage in a

plurality of shift registers with plural phase symbol (See

Frazier. Jr., Col. 2, lines15-20, or Kaufman et al, Col. 8,

lines25-40) spreading which is a functional equivalent of the

claim limitations. Regarding sequence limitations of claim 10,

either Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines 40-60, Col.

15, lines 45-60 and claims 12 and 15) or Kaufman et al(See Fig.

2, 8, Col. 8 lines 20-6 and claim 1) show an assembly of spread

spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers which is a functional equivalent of the claim

limitations. Regarding claim 11, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) disclose an assembly of spread spectrum signals created

from a plurality of orthogonal pseudorandom sequences by storage
in a plurality of shift registers and placed on a sinusoidal
carrier substantially as claimed. The differences between the
above and the claimed invention is the use of binary signals from
shift registers which represent a portion of the information and
sequences that change a various intervals. It is noted that the
symbols of the prior art described above show digital sequences
representing symbols would be readable on the claim limitations.

  It is further noted that all sequences change a various
intervals since they require a finite time to output and describe
a static or variable output. Short et al (See Figs. 2B-3) show a
multibit sequences produces by a plurality of shift registers in
a spread spectrum signal. It would have been obvious to the
person having ordinary skill in this art to provide a similar
arrangement for Frazier. Jr. or Kaufman et al because the digital
signals and multibit sequences signals are conventional
functional equivalents. Regarding the receiver limitations of
claim 12, either Frazier. Jr. (See Figs. 6 and 7, Col. 6, lines
40-60, Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et
al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly
of spread spectrum signals created from a plurality of orthogonal
pseudorandom sequences by storage in a plurality of shift
registers with reception and transmission through a network which
is a functional equivalent of the claim limitations. Regarding
the network limitations of claim 13, either Frazier. Jr. (See

Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and

claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines

20-6 and claim 1) show an assembly of spread spectrum signals

created from a plurality of orthogonal pseudorandom sequences by

storage in a plurality of shift registers with reception and

transmission through a network which is a functional equivalent

of the claim limitations. Regarding the transmitter limitations

of claim 14, either Frazier. Jr. (See Figs. 6 and 7, Col. 6,

lines 40-60, Col. 15, lines 45-60 and claims 12 and 15) or

Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show

an assembly of spread spectrum signals created from a plurality

of orthogonal pseudorandom sequences by storage in a plurality of

shift registers with reception and transmission through a network

which is a functional equivalent of the claim limitations.

Regarding the network limitations of claim 15, either Frazier.

Jr. (See Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60

and claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8

lines 20-6 and claim 1) show an assembly of spread spectrum

signals created from a plurality of orthogonal pseudorandom

sequences by storage in a plurality of shift registers with

reception and transmission through a network which is a

functional equivalent of the claim limitations. Regarding plural

sequence limitations of claim 16, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) show an assembly of spread spectrum signals created from

a plurality of orthogonal pseudorandom sequences by storage in a

plurality of shift registers which is a functional equivalent of

the claim limitations. Regarding the phase limitations of claim

17, either Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines 40-60,

Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et al(See

Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly of

spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with plural phase symbol (See Frazier. Jr., Col. 2,

lines15-20, or Kaufman et al, Col. 8, lines25-40) spreading that

is a functional equivalent of the claim limitations. Regarding

the phase limitations of claim 18, either Frazier. Jr.(See Figs.

6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) show an assembly of spread spectrum signals created from

a plurality of orthogonal pseudorandom sequences by storage in a

plurality of shift registers with plural phase symbol (See

Frazier. Jr., Col. 2, lines15-20, or Kaufman et al, Col. 8,

lines25-40) spreading which is a functional equivalent of the

claim limitations. Regarding sequence limitations of claim 19,

either Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines 40-60, Col.

15, lines 45-60 and claims 12 and 15) or Kaufman et al(See Fig.

2, 8, Col. 8 lines 20-6 and claim 1) show an assembly of spread

spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers which is a functional equivalent of the claim

limitations. Regarding claim 20, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) disclose an assembly of spread spectrum signals created

from a plurality of orthogonal pseudorandom sequences by storage

in a plurality of shift registers and placed on a sinusoidal

carrier substantially as claimed. The differences between the

above and the claimed invention is the use of binary signals from

shift registers which represent a portion of the information and

sequences that change a various intervals. It is noted that the

symbols of the prior art described above show digital sequences

representing symbols would be readable on the claim limitations.

 It is further noted that all sequences change a various

intervals since they require a finite time to output and describe

a static or variable output. Short et al (See Figs. 2B-3) show a

multibit sequences produces by a plurality of shift registers in

a spread spectrum signal. It would have been obvious to the

person having ordinary skill in this art to provide a similar

arrangement for Frazier. Jr. or Kaufman et al because the digital

signals and multibit sequences signals are conventional

functional equivalents. Regarding the receiver limitations of

claim 21, either Frazier. Jr. (See Figs. 6 and 7, Col. 6, lines

40-60, Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et

al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly

of spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with reception and transmission through a network which

is a functional equivalent of the claim limitations. Regarding

the network limitations of claim 22, either Frazier. Jr. (See

Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and

claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines

20-6 and claim 1) show an assembly of spread spectrum signals

created from a plurality of orthogonal pseudorandom sequences by

storage in a plurality of shift registers with reception and

transmission through a network which is a functional equivalent

of the claim limitations. Regarding the transmitter limitations

of claim 23, either Frazier. Jr. (See Figs. 6 and 7, Col. 6,

lines 40-60, Col. 15, lines 45-60 and claims 12 and 15) or

Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show

an assembly of spread spectrum signals created from a plurality

of orthogonal pseudorandom sequences by storage in a plurality of

shift registers with reception and transmission through a network

which is a functional equivalent of the claim limitations.

Regarding the network limitations of claim 24, either Frazier.

Jr. (See Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60

and claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8

lines 20-6 and claim 1) show an assembly of spread spectrum

signals created from a plurality of orthogonal pseudorandom

sequences by storage in a plurality of shift registers with

reception and transmission through a network which is a

functional equivalent of the claim limitations. Regarding plural

sequence limitations of claim 25, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) show an assembly of spread spectrum signals created from

a plurality of orthogonal pseudorandom sequences by storage in a

plurality of shift registers which is a functional equivalent of

the claim limitations. Regarding the phase limitations of claim

26, either Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines 40-60,

Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et al(See

Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly of

spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with plural phase symbol (See Frazier. Jr., Col. 2,

lines15-20, or Kaufman et al, Col. 8, lines25-40) spreading that

is a functional equivalent of the claim limitations. Regarding

the phase limitations of claim 27, either Frazier. Jr.(See Figs.

6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) show an assembly of spread spectrum signals created from

a plurality of orthogonal pseudorandom sequences by storage in a

plurality of shift registers with plural phase symbol (See

Frazier. Jr., Col. 2, lines15-20, or Kaufman et al, Col. 8,

lines25-40) spreading which is a functional equivalent of the

claim limitations. Regarding sequence limitations of claim 28,

either Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines 40-60, Col.

15, lines 45-60 and claims 12 and 15) or Kaufman et al(See Fig.

2, 8, Col. 8 lines 20-6 and claim 1) show an assembly of spread

spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers which is a functional equivalent of the claim

limitations. Regarding claim 29, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) disclose an assembly of spread spectrum signals created

from a plurality of orthogonal pseudorandom sequences by storage

in a plurality of shift registers and placed on a sinusoidal

carrier substantially as claimed. The differences between the

above and the claimed invention is the use of binary signals from

shift registers that represent a portion of the information from

transmission and reception nodes. It is noted that all sequences

change a various intervals. It is noted that the symbols of the

prior art described above show digital sequences representing

symbols would be readable on the claim limitations. Short et al

(See Figs. 2B-3) show a multibit sequences produces by a

plurality of shift registers in a spread spectrum signal from

transmission and reception nodes. It would have been obvious to

the person having ordinary skill in this art to provide a similar

arrangement for Frazier. Jr. or Kaufman et al because the digital

signals and multibit sequences signals are conventional

functional equivalents. Regarding the receiver limitations of

claim 30, either Frazier. Jr. (See Figs. 6 and 7, Col. 6, lines

40-60, Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et

al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly

of spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with reception and transmission through a network which

is a functional equivalent of the claim limitations. Regarding

the network limitations of claim 31, either Frazier. Jr. (See

Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and

claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines

20-6 and claim 1) show an assembly of spread spectrum signals

created from a plurality of orthogonal pseudorandom sequences by

storage in a plurality of shift registers with reception and

transmission through a network which is a functional equivalent

of the claim limitations. Regarding the transmitter limitations

of claim 32, either Frazier. Jr. (See Figs. 6 and 7, Col. 6,

lines 40-60, Col. 15, lines 45-60 and claims 12 and 15) or

Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show

an assembly of spread spectrum signals created from a plurality

of orthogonal pseudorandom sequences by storage in a plurality of

shift registers with reception and transmission through a network

which is a functional equivalent of the claim limitations.

Regarding the network limitations of claim 33, either Frazier.

Jr. (See Figs. 6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60

and claims 12 and 15) or Kaufman et al(See Fig. 2, 8, Col. 8

lines 20-6 and claim 1) show an assembly of spread spectrum

signals created from a plurality of orthogonal pseudorandom

sequences by storage in a plurality of shift registers with

reception and transmission through a network which is a

functional equivalent of the claim limitations. Regarding plural

sequence limitations of claim 34, either Frazier. Jr.(See Figs. 6

and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and

claim 1) show an assembly of spread spectrum signals created from

a plurality of orthogonal pseudorandom sequences by storage in a

plurality of shift registers which is a functional equivalent of

the claim limitations. Regarding the phase limitations of claim

35, either Frazier. Jr.(See Figs. 6 and 7, Col. 6, lines 40-60,

Col. 15, lines 45-60 and claims 12 and 15) or Kaufman et al(See

Fig. 2, 8, Col. 8 lines 20-6 and claim 1) show an assembly of

spread spectrum signals created from a plurality of orthogonal

pseudorandom sequences by storage in a plurality of shift

registers with plural phase symbol (See Frazier. Jr., Col. 2,

lines15-20, or Kaufman et al, Col. 8, lines25-40) spreading that

is a functional equivalent of the claim limitations. Regarding

the phase limitations of claim 36, either Frazier. Jr.(See Figs.

6 and 7, Col. 6, lines 40-60, Col. 15, lines 45-60 and claims 12

and 15) or Kaufman et al(See Fig. 2, 8, Col. 8 lines 20-6 and
claim 1) show an assembly of spread spectrum signals created from
a plurality of orthogonal pseudorandom sequences by storage in a
plurality of shift registers with plural phase symbol (See
Frazier. Jr., Col. 2, lines15-20, or Kaufman et al, Col. 8,
lines25-40) spreading which is a functional equivalent of the
claim limitations. Regarding sequence limitations of claim 37,
either Frazier Jr.(See Figs. 6 and 7, Col. 6, lines 40-60, Col.
15, lines 45-60 and claims 12 and 15) or Kaufman et al(See Fig.
2, 8, Col. 8 lines 20-6 and claim 1) show an assembly of spread
spectrum signals created from a plurality of orthogonal
pseudorandom sequences by storage in a plurality of shift
registers which is a functional equivalent of the claim
limitations. Regarding sequence limitations of claim 38, either
Frazier Jr.(See Figs. 6 and 7, Col. 6, lines 40-60, Col. 15,
lines 45-60 and claims 12 and 15) or Kaufman et al(See Fig. 2, 8,
Col. 8 lines 20-6 and claim 1) show an assembly of spread
spectrum signals created from a plurality of orthogonal
pseudorandom sequences by storage in a plurality of shift
registers which is a functional equivalent of the claim
limitations. Regarding sequence limitations of claim 39, either
Frazier Jr.(See Figs. 6 and 7, Col. 6, lines 40-60, Col. 15,
lines 45-60 and claims 12 and 15) or Kaufman et al(See Fig. 2, 8,
Col. 8 lines 20-6 and claim 1) show an assembly of spread
spectrum signals created from a plurality of unique orthogonal

pseudorandom sequences by storage in a plurality of shift

registers which is a functional equivalent of the claim

limitations.

Examiner's Note: Although Examiner has cited particular columns,

line numbers and figures in the references as applied to the

claims above for the convenience of the applicant(s), the

specified citations are merely representative of the teaching of

the prior art that are applied to specific limitations within the

individual claim and other passages and figures may apply as

well. It is respectfully requested that the applicant(s), in

preparing the response, fully consider the items of evidence in

their entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the

prior art or disclosed by the Examiner.

6. Applicants arguments filed 12/19/2005 have been considered but

are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is

set to expire THREE MONTHS from the mailing date of this action.

In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the

date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS from the

mailing date of this final action.

Any inquiry concerning this communication should be directed

to Salvatore Cangialosi at telephone number **(571) 272-6927**. The

examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday

through Friday. If attempts to reach the examiner by telephone

are unsuccessful, the examiner's supervisor, James Trammell, can

be reached at **(571) 272-6712**.

Any response to this action should be mailed to:

          Mail Stop Amendment
          Commissioner for Patents
          P.O. Box 1450
          Alexandria, VA 22313-1450

          or faxed to (571) 273-8300

Hand delivered responses should be brought to

          United States Patent and Trademark Office
          Customer Service Window
          Randolph Building

Art Unit: 3621
          401 Dulany Street
          Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).